HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 35044 OF 1997

BETWEEN

Kodari Saidaiah & others

.....**Petitioners**

And

The Deputy Secretary,
Government of India,
Freedom Fighters Division,
New Delhi & another

.....**Respondents**

:: O R D E R::

Counsel for the Petitioners : Shri Kowturu Vinay Kumar

Counsel for the Respondents : Shri A. Rajasekhar Reddy
Assistant
Solicitor General

Dated: 08.08.2006

In this petition, the petitioners have prayed for issue of a mandamus to the respondents to place their applications before the Screening Committee constituted by Government of India for grant of pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme') and pay them pensionary benefits on the recommendations of the Screening Committee.

In the counter-affidavit filed on behalf of respondent No.1, it has been averred that Hyderabad Special Screening Committee constituted by the Government of India did not recommend the claim of any of the petitioners because the members of the Committee did not have personal knowledge about the sufferings of the petitioners and the verification reports had not been received by the Ministry.

Learned counsel for the petitioners says that in view of the stand taken in the counter-affidavit of respondent No.1, his clients may be permitted to file fresh applications along with documentary evidence to substantiate their claims that they had taken part in Hyderabad Liberation Movement and as such they are entitled to be treated as freedom fighters for the purpose of the 1980 Scheme.

Shri A. Rajasekhar Reddy, learned Assistant Solicitor General fairly says that respondent No.1 will have no objection to consider and decide the application(s), if any, made by the petitioners for grant of pension under the 1980 Scheme.

In view of the statements made by the learned counsel for the parties, the writ petition is disposed of with the direction that if the petitioners or any one of them make(s) fresh application for grant of pension under the 1980 Scheme and produces documentary evidence in support of their/his claim for being treated as a freedom fighter, then the same will be considered and

decided by the competent authority within three months from the date of receipt of the application(s).

G.S.SINGHVI, CJ

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08.08.2006